

To the Members of the California State Assembly:

I am returning Assembly Bill 290 without my signature.

I am very concerned about the safety of Department of Transportation (Caltrans) maintenance workers and support the intent of this bill to grant them additional protection in the performance of their duties. However, this bill contains a provision that would inappropriately restrict the use of amber warning lights by Caltrans workers in a manner that contradicts the department's official policy, its maintenance manual, and which if followed, could actually increase the danger to those employees by prohibiting them from using the lights in situations where doing so would be the safest course of action. In addition, this bill could significantly increase the department's exposure to tort liability by defining every instance where amber warning lights are used as, implicitly, an unusual or extreme hazard.

It is troubling to me that I cannot sign this bill at this time. However, next year, the original legislation requiring motorists to move over for tow-trucks and authorized emergency vehicles is due to sunset. By January 1, 2009, the California Highway Patrol is required to prepare a report assessing the impacts of this law and recommending whether or not it should be extended.

Pending this report, should the Legislature choose to seek extension of the move-over law next year, I urge that Caltrans employees be included in a manner that provides safety for the employees and the motoring public.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger